

Attorney Docket Number: FSP0291
Application Number: 09/759,935

-3-

REMARKS

This is a response to the Office Action mailed on 05/27/2009. The Applicant thanks the Examiner for examination of the present application. The Applicant will now traverse the rejection.

35 USC 103(a)

Claims 22-41 are rejected under 35 USC 103(a) as unpatentable over Son, US Pat. #6697376 in view of Dodson, US Pat # 6,873,622.

Son teaches that subscriber terminals are grouped into "logical nodes" according to VOD channels that the subscribers receive (see column 7, lines 47-50). As a result, a logical node may often include subscribers on fiber nodes in vastly different geographic areas or neighborhoods so long as the fiber nodes carry the same streams in VOD channels (see column 2, lines 45-54).

Thus in Son, a logical node may comprise only a portion of the subscriber stations in a particular area or neighborhood, e.g. hub, or may even comprise subscriber stations from multiple hubs. There is no precise correspondence in the video server between a "logical node" and a particular area or neighborhood (see column 7, lines 47-58, see also Figure 3 and Figure 4 of Son).

The present invention takes an entirely different approach. In the present invention, subscribers are arranged into a plurality of groups. Each group is assigned one or more corresponding physical signal paths from the server to the subscribers of the group. Thus in the present invention, a group ID refers to specifically to a predetermined physical signal path from video server to an area or neighbored comprising a subscriber group (see page 4, lines 13-20). Furthermore, at the head-end, one or more modulators in the network are associated with the group using the unique group identifier (see page 6, lines 1-6). Each group which is preconfigured with a video server is associated with a physical HFC network extending from the head-end or hub through an optical node to a neighborhood (see page 8, lines 21-23. See also page 10, lines 14-15). The present invention thus fundamentally differs from Son and in that it assigns physical signal paths

Attorney Docket Number: FSP0291
Application Number: 09/759,935

-4-

to particular areas or neighbored served by the VOD system and associates each with a group identifier.

Furthermore, the Applicant continues to respectfully assert that one skilled in the art would not be led by Son in view of Dodson to include the group id in a VOD request. The most recent Official Action again acknowledges that Son does not explicitly teach that the Logical Node ID, i.e., group ID is transmitted upstream with each VOD request, but goes on to assert that Son does state that the group ID is transmitted upstream with messages from the terminal to the server. The Office Action presents no convincing reason why a skilled practitioner applying Dodson to Son, or v.v., would be led to replace or duplicate this upstream transmission of Son by transmitting the group id in the VOD request, in order to reach the present claims. Although the argument may be convenient to support the rejection, it is not reasonably supported by the references or the Examiner's reasoning, in the Applicant's opinion.

Conclusion

The new claims describe a VOD system that is unique and which would not be obvious to a skilled practitioner in light of Son and Dodson. If an interview would help further the prosecution, the Examiner is urged to contact the Applicant at the numbers provided below.

Respectfully Submitted by:

Signature /Charles A. Mirho/
Charles A. Mirho
Reg. 41,199
Attorney for Applicant

Date: 09/28/2009

Address all correspondence to:

FSP LLC
Attn: Charles A Mirho
P.O. Box 890
Vancouver, WA 98666-0890
USA
Phone: 360-737-1748
Fax: 360-294-6426

Attorney Docket Number: FSP0291
Application Number: 09/759,935

-5-